

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WARD TRANSPORT & LOGISTICS CORP.,

Plaintiff,

-against-

ORDER

CV 09-4490 (DRH)(ARL)

PEERLESS INSURANCE COMPANY and
GALE DELIVERY, INC.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application seeking sanctions based on the defendants' failure to comply with the court's July 9, 2010 order, which directed the defendants to respond to all outstanding discovery requests by August 9, 2010. Counsel for the defendants had not responded to the plaintiff's application generating the July 9th order. Now, by letter dated September 8, 2010, defense counsel has advised the court, in a two sentence response, that the defendant Gale Delivery has responded and so any sanction should be against the defendant Peerless Insurance Company only. The court is troubled by counsel's response for two reasons. First, the plaintiff has further advised the court that it has never received Gales' answer to its interrogatories. Second, defense counsel answered and signed a joint proposed discovery plan on behalf of both defendants. Accordingly, the court is puzzled by counsel's apparent disclaimer of responsibility for the defendant Peerless. In either case, the court will give the defendants one final opportunity to respond to all outstanding discovery by September 30, 2010 before imposing sanctions. The defendants are warned that failure to respond may result in the imposition of sanctions, including a recommendation that the defendants' answer be stricken.

Immediately upon receipt of this motion, counsel for defendants is directed to address the status of its representation of Peerless in writing.

Dated: Central Islip, New York
September 21, 2010

SO ORDERED:

/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge